

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Municipal Code by creating a new Title
2 7, Ambulance Transportation Code, to establish a process by which persons may apply for and
3 receive a license to provide routine ambulance service, to establish emergency ambulance
4 service to be provided by the City, including stand-by ambulance service by adding Sections
5 7.04.010 to 7.04.210 which sections set forth definitional terms including Ambulance,
6 Ambulance Service, Area of City Service, Emergency Ambulance Service, Emergency Call,
7 Emergency Medical Services, Emergency Medical Services Oversight Authority, Emergency
8 Medical Technician (EMT), Emergency Medical Technician - Intermediate (EMT-1), Emergency
9 Medical Technician - Paramedic (EMT-P), License, Medical Care Protocols, Medical Director,
10 911 Center, Operator, Patient, Person, Routine Ambulance Service, Stand-by Ambulance
11 Service, Trip Record, to be used in Title 7; Section 7.06.010 providing that no person shall
12 operate within the City of Lincoln a routine ambulance service without first having obtained
13 a license therefor; Section 7.06.020 establishing a process by which a person may make
14 application for a license to provide routine ambulance service; Section 7.06.030 providing a
15 process by which a license for operation of a routine ambulance service may be issued;
16 Section 7.06.040 setting forth the term of such license; Section 7.06.050 setting forth the form
17 and content of a license; Section 7.06.060 setting forth the standards for ambulance
18 equipment in the operation of a routine ambulance service; Section 7.06.070 setting forth the
19 standards of operation of a routine ambulance service; Section 7.06.080 requiring

1 interconnection between the 911 Center and a routine ambulance service; Section 7.06.090
2 setting forth dispatch requirements; Section 7.06.100 setting forth the right of the City to audit
3 and inspect records of a routine ambulance service; Section 7.06.110 setting forth records and
4 reports which shall be kept by a routine ambulance service; Section 7.06.120 setting forth the
5 insurance requirements for a routine ambulance service; Section 7.06.130 setting forth the
6 process by which the City may suspend or revoke a license for the operation of a routine
7 ambulance service; Section 7.06.140 setting forth the penalties for operating a routine
8 ambulance service without first obtaining a license therefor; Section 7.08.010 setting forth the
9 Fire Department's authority to provide ambulance service necessarily including emergency
10 ambulance service and setting forth the process by which fees for such service will be set by
11 City Council; Section 7.08.020 crediting monies from the provision of city ambulance service
12 to the EMS Enterprise Fund; Section 7.08.030 setting forth the City's authority to enforce the
13 collection of fees for ambulance service provided by the City; Section 7.08.040 making it
14 unlawful for any person other than the City of Lincoln to furnish emergency ambulance
15 service, defenses to such prosecution and exceptions, and the penalties upon conviction
16 thereof; Section 7.08.050 setting forth the maximum desired response time in which the
17 transport vehicle responds with lights and/or sirens in the provision of emergency ambulance
18 service; and repealing Chapter 8.08, the current Ambulance Transportation Code, as hitherto
19 existing.

20 WHEREAS the City Council has determined that an emergency medical service
21 for emergency medical care by out-of-hospital emergency care providers is needed;

1 WHEREAS the City Council has determined the provision of emergency
2 ambulance service as a governmental service will ensure financially responsible, affordable,
3 efficient, responsive, and reliable out-of-hospital emergency medical care to patients;

4 WHEREAS the City Council has determined the general health, safety, and
5 welfare of the citizens of the City of Lincoln, and its visitors, requires the licensing and
6 monitoring of providers of routine ambulance service in order to maintain minimum standards
7 of services including standards relating to equipment, personnel qualifications, record keeping,
8 oversight, and medical direction;

9 WHEREAS the City Council has determined the general health, safety, and
10 welfare of the citizens of the City of Lincoln, and its visitors, requires a consistent standard by
11 which emergency ambulance service is provided and that such standard is met through the
12 implementation of a system by which medical dispatching is prioritized based upon the
13 severity of the complaint;

14 WHEREAS the City Council has determined the general health, safety, and
15 welfare of the citizens of the City of Lincoln, and its visitors, requires a consistent standard and
16 method of care from out-of-hospital emergency care providers in the provision of ambulance
17 service, and that such standard is met by requiring a consistent and standard set of medical
18 care protocols be observed by all such ambulance service providers;

19 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

20 Section 1. That the Lincoln Municipal Code be amended by adding a new
21 section numbered 7.04.010 to read as follows:

1 **7.04.010 Definitions.**

2 The following definitions shall apply in the interpretation and enforcement of Title 7
3 of the Lincoln Municipal Code unless otherwise provided.

4 Section 2. That the Lincoln Municipal Code be amended by adding a new
5 section numbered 7.04.020 to read as follows:

6 **7.04.020 Ambulance.**

7 Ambulance shall mean any privately or publicly owned motor vehicle that is especially
8 designed, constructed, or modified, and equipped and is intended to be used and is
9 maintained or operated for the overland transportation of patients upon the streets, roads,
10 highways, or public ways of this City, but shall not include or mean any motor vehicle owned
11 or operated under the direct control of any agency of the United States government.

12 Section 3. That the Lincoln Municipal Code be amended by adding a new
13 section numbered 7.04.030 to read as follows:

14 **7.04.030 Ambulance Service.**

15 Ambulance service shall mean the provision of transport via ambulance, the provision
16 of out-of-hospital emergency medical care to a patient from or in an ambulance, the trip to the
17 site of a patient for the purpose of providing transport or out-of-hospital emergency medical
18 care, the trip to or from any point in response to a medical emergency dispatch from the 911
19 Center. The term ambulance service shall encompass emergency ambulance service and
20 routine ambulance service.

21 Section 4. That the Lincoln Municipal Code be amended by adding a new
22 section numbered 7.04.040 to read as follows:

1 **7.04.040 Area of City Service.**

2 Area of City service shall consist of the corporate limits of the city, as the same may
3 expand, and all unincorporated areas of the county and surrounding incorporated cities and
4 villages or rural fire districts with whom the city may have an inter-local agreement for the
5 provision of emergency ambulance service.

6 Section 5. That the Lincoln Municipal Code be amended by adding a new
7 section numbered 7.04.050 to read as follows:

8 **7.04.050 Emergency Ambulance Service.**

9 Emergency ambulance service shall mean responding to calls for ambulance service
10 pursuant to an emergency call, and shall include the provision of stand-by ambulance service.

11 Section 6. That the Lincoln Municipal Code be amended by adding a new
12 section numbered 7.04.060 to read as follows:

13 **7.04.060 Emergency Call.**

14 (a) Emergency call shall mean a request for ambulance service by or for a patient
15 whose apparent condition, at the time of the call, presumptively meets the criteria for
16 classification under the prioritization of calls and dispatch system approved and employed by
17 the City as a Bravo, Charlie, or Delta, or which presumptively meets the criteria for
18 classification under the medical care protocols as requiring response by a quick response team
19 (QRT), or which presumptively meets the criteria for classification under the medical care
20 protocols as requiring response by an ambulance with lights and/or sirens, and except as
21 provided for below, shall include any call for ambulance service received by the 911 Center,
22 wherein the patient's point of origin is within the area of city service.

1 (b) The following calls for ambulance service are not emergency calls even if
2 received by the 911 Center: calls that presumptively meet the criteria for classification under
3 the prioritization of medical calls and dispatch system approved and employed by the City as
4 Omega (provided medical care protocol does not require lights and/or siren response by QRT
5 or ambulance); and calls in which the caller indicates arrival of the ambulance is not expected
6 or desired for greater than two hours from the time of the call, and where such call does not
7 fit any category listed in the definition of emergency call found in (a), above.

8 Section 7. That the Lincoln Municipal Code be amended by adding a new
9 section numbered 7.04.070 to read as follows:

10 **7.04.070 Emergency Medical Services.**

11 Emergency medical services shall include all out-of-hospital emergency medical care,
12 emergency ambulance service and routine ambulance service.

13 Section 8. That the Lincoln Municipal Code be amended by adding a new
14 section numbered 7.04.080 to read as follows:

15 **7.04.080 Emergency Medical Services Oversight Authority or EMSOA.**

16 Emergency Medical Services Oversight Authority or EMSOA shall mean the
17 organization, agency, or committee as established or as designated by the City, by ordinance,
18 contract, or otherwise, for the purpose of providing medical control, and the development of
19 medical care protocols designed to govern ambulance service providers in the City.

20 Section 9. That the Lincoln Municipal Code be amended by adding a new
21 section numbered 7.04.090 to read as follows:

1 **7.04.090 Emergency Medical Technician (EMT).**

2 Emergency Medical Technician (EMT) shall mean an individual who holds a valid State
3 of Nebraska EMT license and who has been approved by the Medical Director to function in
4 the system, and who has maintained the requirements for skills maintenance as outlined by
5 the Medical Director.

6 Section 10. That the Lincoln Municipal Code be amended by adding a new
7 section numbered 7.04.100 to read as follows:

8 **7.04.100 Emergency Medical Technician - Intermediate (EMT-I).**

9 Emergency Medical Technician - Intermediate (EMT-I) shall mean an individual who
10 holds a valid State of Nebraska EMT-I license and who has been approved by the Medical
11 Director to function in the system, and who has maintained the requirements for skills
12 maintenance as outlined by the Medical Director.

13 Section 11. That the Lincoln Municipal Code be amended by adding a new
14 section numbered 7.04.110 to read as follows:

15 **7.04.110 Emergency Medical Technician - Paramedic (EMT-P).**

16 Emergency Medical Technician - Paramedic (EMT-P) shall mean an individual who
17 holds a valid State of Nebraska EMT-P license and who has been approved by the Medical
18 Director to function in the system, and who has maintained the requirements for skills
19 maintenance as outlined by the Medical Director.

20 Section 12. That the Lincoln Municipal Code be amended by adding a new
21 section numbered 7.04.120 to read as follows:

1 **7.04.120 License.**

2 Unless otherwise specifically stated, license shall mean a license to provide routine
3 ambulance service issued pursuant to this title.

4 Section 13. That the Lincoln Municipal Code be amended by adding a new
5 section numbered 7.04.130 to read as follows:

6 **7.04.130 Medical Care Protocols.**

7 Medical care protocols shall mean established written medical procedures that have
8 been promulgated by the Medical Director for the provision of out-of-hospital emergency
9 medical care and shall include such dispatch-related protocols as are medical in nature and
10 as the Medical Director may be authorized by contract or otherwise to promulgate. Medical
11 care protocols shall not include the setting of a maximum response time for any ambulance
12 service provider.

13 Section 14. That the Lincoln Municipal Code be amended by adding a new
14 section numbered 7.04.140 to read as follows:

15 **7.04.140 Medical Director.**

16 Medical Director shall mean the physician employed through EMSOA or by a state
17 certified emergency medical service for the purpose of providing medical direction and
18 control for out-of-hospital emergency medical care personnel providing ambulance service.

19 Section 15 That the Lincoln Municipal Code be amended by adding a new
20 section numbered 7.04.150 to read as follows:

1 **7.04.150 911 Center.**

2 911 Center shall mean the emergency communications center operated by the City of
3 Lincoln.

4 Section 16. That the Lincoln Municipal Code be amended by adding a new
5 section numbered 7.04.160 to read as follows:

6 **7.04.160 Operator.**

7 Operator shall mean any person to whom a license for the operation of a routine
8 ambulance service has been issued.

9 Section 17. That the Lincoln Municipal Code be amended by adding a new
10 section numbered 7.04.170 to read as follows:

11 **7.04.170 Patient.**

12 Patient shall mean an individual who either identifies himself or herself as being in
13 need of medical attention or upon assessment by an out-of-hospital emergency care provider
14 has an injury or illness requiring treatment.

15 Section 18. That the Lincoln Municipal Code be amended by adding a new
16 section numbered 7.04.180 to read as follows:

17 **7.04.180 Person.**

18 Person shall mean an individual, firm, partnership, corporation, company, association,
19 joint stock company or association, political subdivision, governmental agency, or other legal
20 entity and shall include any trustee, receiver, assignee, or other legal representative thereof,
21 but shall not include the City of Lincoln or any agency of the United States government.

1 Section 19. That the Lincoln Municipal Code be amended by adding a new
2 section numbered 7.04.190 to read as follows:

3 **7.04.190 Routine Ambulance Service.**

4 Routine ambulance service shall mean the provision of that ambulance service which
5 is not emergency ambulance service. Routine ambulance service will typically involve the
6 non-emergency transportation of patients in which the point of pick up or destination (or both)
7 is a medical facility, hospital, nursing home, skilled nursing facility, medical practitioner's
8 office, or out-patient diagnostic or treatment center, and includes calls received by the 911
9 Center that are referred to an operator for dispatch based upon the 911 Center's assessment
10 that the call is not an emergency call at the time it is received by the 911 Center.

11 Section 20. That the Lincoln Municipal Code be amended by adding a new
12 section numbered 7.04.200 to read as follows:

13 **7.04.200 Stand-by Ambulance Service.**

14 Stand-by ambulance service shall mean the positioning of an ambulance and crew at
15 the location of a publicly or privately sponsored event for the purpose of providing out-of-
16 hospital emergency medical services as may become necessary at such event, and shall
17 include the positioning an of ambulance and crew in conjunction with law enforcement or
18 firefighting activities.

19 Section 21. That the Lincoln Municipal Code be amended by adding a new
20 section numbered 7.04.210 to read as follows:

1 **7.04.210 Trip Record.**

2 **Trip record** shall mean a record of each person transported.

3 Section 22. That the Lincoln Municipal Code be amended by adding a new
4 section numbered 7.06.010 to read as follows:

5 **7.06.010 Routine Ambulance Service; License Required.**

6 No person shall operate or cause to be operated a routine ambulance service within
7 the City of Lincoln without first having applied for and obtained a license from the City
8 Council authorizing such operation; provided, however, that no such license shall be required
9 for any person operating an ambulance or other vehicle:

10 (a) When such ambulance is operated and based out of a location outside of the
11 City of Lincoln in order to provide routine ambulance service to patients who are picked up
12 beyond the limits of the City of Lincoln and delivered to locations within Lincoln, but no such
13 outside ambulance shall be used to pick up patients within the City of Lincoln for routine
14 ambulance service transportation and delivered to locations within Lincoln unless the oper-
15 ator, driver, attendant, and driver-attendant hold currently valid certificates, permits, and
16 licenses issued pursuant to law, including federal, state, and local.

17 (b) When such ambulance is operated and based out of a location outside the City
18 of Lincoln in order to provide routine ambulance transportation to any patients from a point
19 of origin within the city to a destination outside the city.

20 (c) When such ambulance is operated and based out of a location outside the City
21 of Lincoln in order to provide routine ambulance transportation to any patients from a point

1 of origin outside the city to a destination outside the city, where such travel upon Lincoln
2 ways is necessary to get from the point of origin to the point of destination.

3 Applying for and obtaining a license to operate a routine ambulance service is a
4 privilege and is not a right. Consideration of any such application or issuance of such a
5 license is not intended to, and does not, vest in the applicant or license holder any property
6 right or interest in such license. All licenses issued under the provisions of this chapter shall
7 expire on the thirtieth day of September following the date of their issuance, unless revoked
8 prior thereto as provided in this chapter.

9 Any person having been issued a license pursuant hereto shall comply with all
10 provisions of this ordinance, as well as all other applicable local, state, and federal laws, and
11 adopted protocols.

12 Section 23. That the Lincoln Municipal Code be amended by adding a new
13 section numbered 7.06.020 to read as follows:

14 **7.06.020 Routine Ambulance Service License; Application.**

15 Applications for a routine ambulance service license shall be filed with the City Clerk
16 on forms provided by that officer. Each application shall be signed and sworn to by the
17 applicant and shall contain at least the following:

18 (a) The name and address of the applicant; the trade name under which the appli-
19 cant does or proposes to do business; if the applicant is an individual, the name, date of birth,
20 and address of the applicant, and length of time the applicant has resided in the City of
21 Lincoln; or if a partnership or association, the business name thereof, and the name, date of
22 birth, and address of each partner and the length of time each partner has resided in the City;

1 or if a corporation, the names, addresses, and dates of birth of all officers and directors of such
2 corporation;

3 (b) The number of ambulances for which the license is requested and the initial
4 locations at which the ambulances are to be stationed;

5 (c) Experience of applicant and its prospective employees in the area of provision
6 of ambulance or other emergency medical services, including, but not limited to, years of
7 service, location of prior service, type of services provided, and authorizations, licenses, or
8 certificates possessed by applicant;

9 (d) Whether the applicant has been convicted of any felony or other offense involv-
10 ing moral turpitude;

11 (e) Whether the applicant has any claims or judgments (whether pending or
12 resolved) for damages against him or her for any claims resulting from the criminal, negligent
13 or reckless operation of an ambulance, ambulance service, or paramedic service;

14 (f) Whether the applicant has any claims or judgments (whether pending or
15 resolved) against him or her based upon discriminatory practices or allegations thereof
16 regarding race, color, religion, sex, disability, national origin, ancestry, age, or marital status.

17 (g) The financial ability and the responsibility of the applicant, which shall be
18 demonstrated, minimally, by inclusion with the application a set of financial statements
19 prepared in accordance with generally accepted accounting principles;

20 (h) The make, type, year of manufacture, and vehicle identification number of each
21 ambulance, and equipment therein, owned or operated or proposed to be operated by the
22 applicant;

1 (i) A copy of the registration and any license issued by the State pursuant to law
2 for each ambulance the applicant intends to operate shall accompany all applications for a
3 routine ambulance service license;

4 (j) Whether the applicant or any principal in the organization has ever been
5 excluded from participation in a federal health care program;

6 (k) Each application shall be accompanied by payment of an application fee of
7 \$75.00.

8 (l) A description of applicant's proposed communications system and equipment,
9 including details regarding applicant's ability to implement prioritization of medical dispatch
10 in a manner consistent with that provided by the 911 Center.

11 Section 24. That the Lincoln Municipal Code be amended by adding a new
12 section numbered 7.06.030 to read as follows:

13 **7.06.030 Granting of License.**

14 Upon receipt of an application for a routine ambulance service license, the City Clerk
15 shall, within five days of receipt of such application, forward such application to the Finance
16 Director, who shall cause an investigation to be had in order to determine if the applicant
17 meets the minimum requirements of this chapter, including: whether the applicant is a
18 certified emergency medical service by the State of Nebraska; applicant's ability to provide
19 routine ambulance service twenty-four hours daily; whether applicant's emergency medical
20 care providers hold proper certification therefor by the State of Nebraska; whether applicant's
21 ambulances meet the minimum specifications required by local, state, and federal laws and
22 rules and regulations; whether said ambulances are equipped in a manner consistent with

1 local, state and federal laws and rules and regulations; whether applicant's communications
2 equipment is compatible with that used by the 911 Center; whether applicant's personnel
3 have been trained in the prioritization of medical calls so as to allow call screening in a
4 manner consistent with that provided by the 911 Center; whether the applicant's court record
5 or financial situation is such as would conform to the public interest of granting such license;
6 whether the applicant or any principal in the proposed service has ever been excluded from
7 participation in a federal health care program; and whether the application fee has been paid.

8 The Finance Director shall, within sixty days of receipt of the application from the City
9 Clerk, report in writing to the City Clerk the result of his or her investigation. Such report shall
10 contain a statement as to whether the proposed routine ambulance service does or does not
11 comply with the requirements of this chapter for such service. If the application meets all
12 applicable ordinance requirements, the City Clerk shall issue a license to the applicant.

13 If such application is denied, written notice of such denial shall be mailed to the
14 applicant (to the address listed on the application) within five days of such denial. The
15 applicant may appeal such denial to the City Council by filing a written notice of appeal of
16 such denial with the City Clerk within fifteen days after such denial. Upon receipt of a notice
17 of appeal of a denial under this section, the City Clerk shall deliver said notice to the
18 chairperson of the City Council, who shall cause a hearing date on such appeal to be set.
19 Such hearing shall be had not less than fifteen days after receipt of the notice of appeal, but
20 not more than thirty-five days thereafter except by consent of the Council and the appealing
21 party. The City Council shall provide the applicant a written determination of the appeal not
22 more than thirty days from the hearing date.

1 Section 25. That the Lincoln Municipal Code be amended by adding a new
2 section numbered 7.06.040 to read as follows:

3 **7.06.040 Term of License; Non-assignability.**

4 All routine ambulance service licenses issued shall be valid from the date of issuance
5 until the following September thirtieth, unless sooner revoked pursuant to the provisions of
6 this chapter. No license may be sold, assigned, or transferred nor in any way authorize any
7 person other than the operator to provide routine ambulance service, and no other person
8 shall exercise any privileges under said license.

9 Section 26. That the Lincoln Municipal Code be amended by adding a new
10 section numbered 7.06.050 to read as follows:

11 **7.06.050 Form and Content of License.**

12 Every license issued shall contain the name and address of the applicant, the authorized
13 area of operation, the location or locations at which ambulances will be stationed in the City,
14 the telephone number(s) to be dialed to request ambulance transport, a fee schedule showing
15 the maximum charge to be billed for services rendered (including, for example: supplies,
16 oxygen, medications, and mileage) and the number of vehicles authorized to be operated,
17 pursuant to such license. The applicant/license holder shall notify the City Clerk immediately
18 with updates of any such information on such license throughout the term of the license.

19 Section 27. That the Lincoln Municipal Code be amended by adding a new
20 section numbered 7.06.060 to read as follows:

1 **7.06.060 Standards for Ambulance Equipment.**

2 Every vehicle operated by an operator under the authority of a routine ambulance
3 service license for the transportation of patients in the City of Lincoln shall be equipped and
4 designed according to the requirements, specifications, and standards as may be required by
5 the State Department of Health and Human Services pursuant to law and in conformance with
6 the requirements of all medical care protocols.

7 Every operator shall adopt and use, after approval by the City Council, a distinctive and
8 uniform color scheme and insignia or logo which shall identify each ambulance as being used
9 for ambulance purposes; such color scheme and insignia or logo shall not infringe on the color
10 scheme, insignia or logo already in use by another operator or by the city. The operator's
11 business name shall appear on each side and on the rear of the vehicle.

12 Section 28. That the Lincoln Municipal Code be amended by adding a new
13 section numbered 7.06.070 to read as follows:

14 **7.06.070 Standards of Operation.**

15 Every operator, as a condition of the issuance and continued retention of its license,
16 must comply with the following standards of operation:

17 (a) The operator will maintain, and have available for use within the corporate
18 limits of the City, not less than one ambulance that will be on call twenty-four hours a day,
19 seven days a week. Such ambulance, and any others the operator makes available for use
20 within the corporate limits of the City shall be fully staffed and equipped with all equipment
21 in working order. All ambulances shall be fully staffed and fully equipped with all equipment
22 in proper working order. All ambulances shall at all times be maintained in good mechanical

1 and physical condition with maintenance done in accordance with manufacturer's
2 specifications. All ambulances shall at all times be registered and all taxes shall be paid as
3 required by law. All ambulances shall be kept clean, and any damage to the vehicle shall be
4 repaired in a timely manner.

5 (b) Each operator, in the provision of emergency medical services shall comply with
6 all written medical care protocols.

7 (c) Each operator must fully comply with all applicable state laws and regulations
8 relating to the licensing of its vehicles, and with all state laws and regulations relating to the
9 issuance and maintenance of certifications as may be required for its personnel.

10 (d) No ambulance shall transport any patient within the City unless such ambulance
11 is occupied by at least one certified out-of-hospital emergency care provider. Such
12 requirement shall be met if any of the individuals providing the transportation is a licensed
13 physician, registered nurse, licensed physician assistant, or licensed practical nurse functioning
14 within the scope of practice of his or her state issued license. It shall be the duty of the
15 operator to assure that any of its personnel designated to drive any ambulance shall have a
16 knowledge and ability to operate an ambulance, to follow assigned routes, to maintain
17 vehicles, and to utilize assigned communications equipment. It shall further be the
18 responsibility of the operator to ensure that before any ambulance of the operator is driven
19 within the city limits, the driver of such ambulance must have completed a course, pre-
20 approved by the Medical Director, relating to driving emergency vehicles, as well as any other
21 requirements as set forth in law pertaining to the operation of an emergency vehicle.

1 (e) The operator will cooperate with the City in the development of disaster relief
2 plans and will participate in disaster exercises conducted by the City.

3 (f) No operator shall discriminate against any patient or person to whom out-of-
4 hospital emergency medical service is provided based upon such person's race, color,
5 religion, sex, disability, national origin, ancestry, age, or marital status.

6 Section 29. That the Lincoln Municipal Code be amended by adding a new
7 section numbered 7.06.080 to read as follows:

8 **7.06.080 Interconnection with 911 Center.**

9 Each operator shall, at its own cost and expense, provide interconnection between its
10 base of operations and the 911 Center. Any such interconnection must be made under the
11 supervision of and to the satisfaction of the City. For purposes of providing equipment
12 compatibility, the operator may lease from the City such equipment as may be mutually
13 agreed upon between the operator and the City upon such terms and conditions as may be
14 approved by the City Council in a separate lease agreement covering such equipment.
15 Operator's dispatch personnel shall, to the satisfaction of the City, be trained in the
16 prioritization of medical calls and dispatch in a manner that is consistent with those medical
17 priority dispatch techniques employed by the City. Operator, in responding to all calls for
18 service in which the patient is located within the corporate limits of the City, shall employ
19 prioritization of medical calls and dispatch consistent with that used or approved by the City
20 in providing any ambulance service, and shall immediately route any emergency call to the
21 911 Center using such means as may be agreed upon by the operator and the City.

1 Section 30. That Title 7 of the Lincoln Municipal Code be amended by adding
2 a new section numbered 7.06.090 to read as follows:

3 **7.06.090 Audit and Inspection.**

4 (a) The City shall have the right of access at all reasonable times to trip records and
5 daily logs, billings, contracts, dispatch records, and other documents relating to activities
6 authorized by the operator's license and may audit and inspect the same; provided, however,
7 any audit shall be performed at the sole cost of the City.

8 Such right of access on the part of the City for inspection and audit shall be a
9 continuing right of the City for all records throughout the term of the license and for five years
10 after its expiration.

11 (b) The City shall also have the right at all reasonable times to inspect or cause to
12 be inspected any vehicles and equipment of the operator to assure compliance with all state
13 and local requirements relating to equipment, cleanliness, maintenance, and availability.

14 (c) Operator, by the last day of each calendar month for which a routine ambulance
15 license is in effect, shall report to the Fire Chief the following information: total number of
16 calls for service received for that calendar month (in which the patient was located within the
17 corporate limits of the City); total number of transports in which the patient's point of origin
18 was within the corporate limits of the City; total number of calls in which ALS treatment was
19 administered and in which the patient's point of origin was within the corporate limits of the
20 City; total number of calls in which BLS treatment was administered and in which the patient's
21 point of origin was within the corporate limits of the City.

1 Section 31. That the Lincoln Municipal Code be amended by adding a new
2 section numbered 7.06.100 to read as follows:

3 **7.06.100 Records and Reports.**

4 Trip Record. There shall be maintained a record of all calls which show the patient's
5 name, age or date of birth, sex, address, time ambulance was first requested, time ambulance
6 arrived at scene or address, time ambulance reached destination, to what destination patient
7 was transported, the condition of the patient upon arrival at the scene and upon arrival at the
8 destination, whether or not medical treatment was administered, and the names of the
9 operator's personnel dispatched. The trip record shall be so designed as to provide the patient
10 with a copy thereof containing all required information. The City may require the use of
11 standardized forms in the keeping of the trip record and daily log.

12 Section 32. That the Lincoln Municipal Code be amended by adding a new
13 section numbered 7.06.110 to read as follows:

14 **7.06.110 Insurance Required.**

15 (a) The operator shall take out and maintain during the full term of the license
16 public liability insurance in the minimum amount of \$5,000,000 per claim and \$10,000,000
17 aggregate claims per occurrence and automobile liability insurance in the minimum amount
18 of \$5,000,000 combined single limit (bodily injury and property damage) and \$10,000,000
19 per occurrence combined single limit (bodily injury and property damage). The City of
20 Lincoln shall be named as an additional insured on all such policies of insurance and a
21 certificate of insurance evidencing such coverage shall be placed on file and kept current in
22 the Office of the City Clerk by the operator.

1 (b) The operator shall take out and maintain during the full term of the license
2 professional liability insurance in an amount of not less than \$10,000,000 per occurrence for
3 each claim. The City of Lincoln shall be named as an additional insured on all such policies
4 of insurance and a certificate of insurance evidencing such coverage shall be placed on file
5 in the Office of the City Clerk by the operator.

6 Section 33. That the Lincoln Municipal Code be amended by adding a new
7 section numbered 7.06.120 to read as follows:

8 **7.06.120 Suspension or Revocation of License; Liquidated Damages; Acts of God.**

9 (a) Any license, once issued, may be suspended or revoked by the City Council for
10 non-compliance by the operator. The City Council may find the operator in non-compliance
11 for any of the following reasons:

12 (1) Failure to comply with the standards for ambulance equipment as set
13 forth in Section 7.06.060.

14 (2) Failure to comply with all applicable state laws and regulations
15 promulgated thereunder relating to ambulance operation and the provision of emergency
16 medical services.

17 (3) Failure to maintain the minimum required insurance.

18 (4) Failure to comply with any of the other provisions of this title.

19 (5) Abandonment of operations by an operator. For purposes of this section,
20 abandonment of operations shall mean a failure to begin operations within sixty days of the
21 granting of a routine ambulance service license or the failure to provide routine ambulance
22 service for any five consecutive days thereafter.

1 (6) Exclusion from a federal health care program.

2 (7) The license was obtained by an application in which any material fact
3 was omitted or falsely stated.

4 Except as provided below, prior to suspending or revoking any operator's license, the
5 City Council shall give thirty days' notice to the operator, stating the grounds for the proposed
6 suspension or revocation and stating that a hearing will be held thereon before the City
7 Council. Such notice may be provided by mailing, through regular U.S. Mails, a letter to the
8 address listed on the application, or as such address may have been up-dated by the operator
9 with the City Clerk. Such hearing shall be held not less than fifteen days from the date notice
10 of such hearing was sent to the applicant, nor more than thirty-five days therefrom, except that
11 with the consent of the appellee and Council such time frame may be shortened or
12 lengthened. If, upon such hearing, the Council shall find that the license holder has cured any
13 areas of non-compliance which by their nature are subject to cure, the license shall not be
14 suspended or revoked, unless the Council has given previous notice to the operator regarding
15 the same item or items of non-compliance in which event the Council may proceed to act on
16 such repeated violations.

17 If, after hearing, the Council finds that the operator is in non-compliance or has
18 engaged in repeated non-compliance, the Council may suspend such operator's license for
19 such period as the Council shall determine to be appropriate and necessary to gain
20 compliance, or it may revoke the operator's license. The Council shall provide the operator
21 its determination, in writing, within thirty days of the date of the hearing.

1 In the event of extreme circumstances, the above procedure may be expedited as
2 follows. Upon a finding by the Mayor that the health, safety, and welfare of the community
3 necessitates an immediate suspension of the license, the Mayor may, by executive order,
4 suspend such license for a period not to exceed sixty days, during which time the above
5 notice and hearing process shall be carried out. Upon such action by the Mayor, a copy of
6 the executive order shall be immediately served, by certified mail, upon the operator at the
7 address on file with the City Clerk.

8 Section 34. That the Lincoln Municipal Code be amended by adding a new
9 section numbered 7.06.130 to read as follows:

10 **7.06.130 Penalty for Violation.**

11 Any person who operates or causes to be operated routine ambulance service within
12 the City of Lincoln without first having applied for and obtained a license therefor and without
13 such license being in full force and effect shall be deemed guilty of a misdemeanor, and upon
14 conviction thereof shall be punished by a fine of not to exceed \$500.00, recoverable with
15 costs; provided, however, that for the first such offense the minimum fine shall be not less than
16 \$200.00, for the second such offense the fine shall be not less than \$300.00, and for the third
17 or subsequent such offense the fine shall be not less than \$400.00. Each transport or incident
18 in which routine ambulance service is provided or attempted to be provided shall constitute
19 a separate and distinct offense and shall be punishable as such. In addition to the criminal
20 penalties provided herein, any conviction hereunder may be sufficient grounds for the City
21 Council to deny a subsequent application for license or to revoke an existing license that may
22 have been under suspension at the time of the violation. Such denial or revocation shall be
23 deemed remedial and civil in nature.

1 In addition, the operation of any routine ambulance service without a license therefor
2 having been issued, and without such license being in full force and effect, shall constitute a
3 nuisance, and the City Council may direct the City Attorney to seek injunctive or other
4 equitable relief in addition to the criminal penalties and civil remedies provided above.

5 Section 35. That the Lincoln Municipal Code be amended by adding a new
6 section numbered 7.08.010 to read as follows:

7 **7.08.010 Emergency Medical Ambulance Service; Fees for Service.**

8 The Fire Department shall manage and administer a city ambulance program that will
9 serve the area of city service by providing emergency ambulance service. The City Council
10 shall determine and set reasonable fees for ambulance service. Except as provided for below,
11 no such fee shall be set without first receiving from EMSOA a written recommendation as to
12 what a reasonable fee schedule is. EMSOA, within thirty days of a request for such
13 information by the City Council shall respond in writing with their recommendation. Failure
14 of EMSOA to so respond shall not prevent the City Council from determining and setting a fee
15 schedule found by the City Council to be reasonable. The fees shall be based on the
16 reasonable costs of providing ambulance service for the area of city service. Nothing in this
17 section shall be construed so as to prevent or limit the authority of the city to provide routine
18 ambulance service.

19 Upon written recommendation of the Fire Chief, the Mayor may contract with one or
20 more private ambulance providers (who must hold a routine ambulance service license) to
21 supplement or otherwise provide emergency ambulance service, or any portion thereof,
22 within the area of city service, provided, however, that such contractor may provide such
23 service only in response to a dispatch by the 911 Center for emergency ambulance service.

1 The term of any such contract shall not exceed one year and shall in no event extend beyond
2 the date of expiration of such contractor's current routine ambulance service license.

3 The Fire Chief shall annually present to the City Council, as part of the normal budget
4 process, a proposed fee schedule based on the city ambulance program budget. The fee
5 schedule shall encompass all costs and expenditures related to the city ambulance program
6 including but not limited to personnel, equipment, vehicle, material, and maintenance costs
7 in such a form as to insure proper charges for services rendered.

8 Section 36. That the Lincoln Municipal Code be amended by adding a new
9 section numbered 7.08.020 to read as follows:

10 **7.08.020 EMS Enterprise Fund.**

11 There having been previously created a fund designated as the EMS Enterprise Fund,
12 all monies received by the City as payment for ambulance service shall be credited to the EMS
13 Enterprise Fund. Such fees collected and other revenue shall be used exclusively for the
14 operation, maintenance, and administration of the city ambulance program, including but not
15 limited to personnel, equipment, maintenance, oversight, and expenditures related to billing
16 and collections.

17 Section 37. That the Lincoln Municipal Code be amended by adding a new
18 section numbered 7.08.030 to read as follows:

19 **7.08.030 Collection of Fees; Enforcement.**

20 The City Attorney may bring suit in the name of the city against any person,
21 corporation, firm, or association in any court of competent jurisdiction upon failure of such
22 person, corporation, firm, or association to pay for the provision of ambulance service when
23 such service is provided by the city. Any such civil action shall be in addition to any other

1 remedies available at law or in equity. Nothing in this chapter shall authorize any city
2 department, official or personnel to refuse or delay any service to any person, firm, or
3 corporation for the reason that such person, firm, or corporation has not paid for ambulance
4 service or owes for previous ambulance service.

5 The Mayor may contract with third party billing and collection services to facilitate the
6 collection of monies owing the city for the provision of ambulance service.

7 Section 38. That the Lincoln Municipal Code be amended by adding a new
8 section numbered 7.08.040 to read as follows:

9 **7.08.040 Operation of Emergency Ambulance Service Unlawful; Penalty.**

10 (a) It shall be unlawful for any person to operate, drive, or cause to be operated or
11 driven any ambulance on the streets of the city for the purpose of furnishing emergency
12 ambulance service, or to furnish or attempt to furnish emergency ambulance service within
13 the City. Any person convicted hereunder shall be guilty of a misdemeanor and shall be
14 punishable by a maximum \$500.00 fine for each such conviction, recoverable with costs;
15 provided, however, that for the first such offense the minimum fine shall be not less than
16 \$200.00, for the second such offense the fine shall be not less than \$300.00, and for the third
17 or subsequent such offense the fine shall be not less than \$400.00. Each transport or incident
18 in which emergency ambulance service is provided or attempted to be provided shall
19 constitute a separate and distinct offense and shall be punishable as such. In addition to the
20 criminal penalties provided herein, any conviction hereunder may be sufficient grounds for
21 the City Council to deny a subsequent application for a routine ambulance service license, or
22 to revoke or suspend a current license therefor. Such denial, revocation, or suspension shall
23 be deemed remedial and civil in nature.

1 (b) It is an affirmative defense to prosecution that the site of the patient to whom
2 the ambulance is responding is outside the corporate limits of the City, and the ambulance is
3 operating within the City only for the purpose of responding to or from the emergency site or
4 patient so located for transporting the patient to a medical facility.

5 No person shall be prosecuted pursuant to this section when such person was
6 dispatched by the 911 Center to the site of a patient for the purpose of providing emergency
7 ambulance service, or when such person was providing stand-by ambulance service pursuant
8 to a contract with the City.

9 Section 39. That the Lincoln Municipal Code be amended by adding a new
10 section numbered 7.08.050 to read as follows:

11 **7.08.050 Emergency Ambulance Service Response Time; Objective.**

12 In the provision of emergency ambulance service in which medical care protocols
13 require lights and/or sirens be used by the ambulance, every reasonable effort shall be made
14 to arrive at the site of the patient within six minutes and no seconds of dispatch by the 911
15 Center pursuant to an emergency call. In so responding, however, the driver is to drive with
16 due regard for the safety of all persons using the roadway.

17 Section 40. That Chapter 8.08, Ambulance Transportation Code, of the Lincoln
18 Municipal Code as hitherto existing be and the same is hereby repealed in its entirety.

19 Section 41. That Sections 1 through 21 hereof shall be codified in the Lincoln
20 Municipal Code as Chapter 7.04 entitled Definitions.

21 Section 42. That Sections 22 through 34 hereof shall be codified in the Lincoln
22 Municipal Code as Chapter 7.06 entitled Routine Ambulance Service.

1 Section 43. That Sections 35 through 39 hereof shall be codified in the Lincoln
2 Municipal Code as Chapter 7.08 entitled Emergency Ambulance Service.

3 Section 44. That this ordinance shall take effect and be in force from and after
4 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant